

REMARKS

In response to the Office Action mailed April 11, 2003, claims 1, 3, 4, 7, 9, 11, 17, and 19 have been amended. No claims have been cancelled or newly added. Therefore, claims 1-20 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

A. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,721,827 to Logan *et al.* ("Logan"), in view of U.S. Patent No. 6,157,705 to Perrone. *See* Office Action, pg. 3, ¶4. Applicants traverse.

In the Office Action, beginning at pg. 3, ¶5, and with regard to independent claims 1 and 11, the Examiner recites:

“While Logan et al might appear to “teach against” *initiating communication with subscribers*, he discloses the capability and describes precisely such an operation on a regular basis to notify of certain conditions (column 22 lines 60-63).

Applicants note that claims 1 and 11 each recite that an outbound communication is initiated with a voice service subscriber *to commence a voice service session*. The passage relied upon by the Examiner (col. 22, lines 60-63) in Logan, however, discloses that a server can transmit to a client player an indication of optimum times when downloading should be requested. Thus, it appears that the “outbound” server transmission disclosed by Logan is used to notify a client player of optimal times for downloading in an attempt to mitigate the load

imposed on the server (see, *e.g.*, col. 22, lines 62-63), and does not appear to be used to *commence a voice service session* with a subscriber, as claimed by Applicants.

Independent claims 1 and 11 also recite that a voice input command is sensed from a subscriber during the voice service session. In the Office Action (pg. 3, ¶5), the Examiner concedes that Logan does not teach this feature:

“Further, while it would appear obvious that this would be advantageous operation, Logan et al does not mention that this command dialog would occur *during the voice service session.*”

To remedy the acknowledged deficiencies of Logan, the Examiner relies on the teachings of Perrone (*see* Office Action, pg. 4):

“To offset against the possible ambiguity of the reference, further prior art of reference is provided with the *voice control of a server* from Perrone disclosing such an operation as the normal operation in an operational example (Abstract, lines 10-end), reading on the feature of *a call server initiating* (1st two lines col 13) *an outbound communication* (col 15 lns 37-43) *to a voice service subscriber to commence a voice service session.*”

Applicants disagree. Perrone discloses a port interface (112) that can place outbound calls (*e.g.*, FIG 1C, and col. 6, lines 56-59); and also refers to a server (8) running one or more software processes that control telephony hardware and manage inbound and outbound calls (*e.g.*, FIG. 2B, and col. 15, lines 41-45). Perrone does not appear to teach, however, that the aforementioned system components are used to initiate an outbound communication to a voice service subscriber *to commence a voice service session*. By contrast, Perrone appears to teach (at col. 8, lines 64+) that sessions are initiated by users:

“To obtain a session identifier, *the end user 2 takes the telephone 10 off hook and dials a pre-determined telephone number associated with the IVR system 14.* The PSTN 12 routes the call to the IVR system 14 using a trunk associated with the IVR system 14. When the IVR system 14 *detects the incoming call*, the IVR system 14 seizes the trunk, generates a unique session identifier, and plays a pre-recorded greeting to the caller that includes the session identifier, such as: "Welcome to the E*Trade Voice Command System. Please make a note of your session number. Your session number is 12345." Concurrently, the IVR system 14 stores information that uniquely identifies the inbound call in memory in association with a copy of the session identifier. For example, the IVR system 14 stores, in a table of a database in the IVR system, the port number of an interface card in the IVR system *that is handling the inbound call.* Using this information, when the IVR system 14 needs to play other audible information to the caller, the IVR system can route the audible information to the correct port.” (*Emphasis Added*).

In another example, at col. 16, lines 6+, Perrone appears to teach that a user or client system initiates contact with the system:

“FIG. 4 is a flow diagram of a process for controlling a server using voice commands. In step 400, a data communication channel is established between the server and a client that will control the server. For example, a browser and a data communication program are executed in a computer at a local point, and a server program is executed in the server. *The browser uses the data communication program to call the server, directly or through an intervening network, and establish a transactional connection to the server.* In step 402, a voice communication channel is established between the client and server. For example, *a user of the client places a telephone call to an IVR system associated with the server. Alternatively, the user places the call to telephone hardware provided in the server, or the client places the call. In another alternative, the voice communication channel is established using a digital connection between the client and the server, by using Internet telephony programs in the client and server to communicate digitized voice signals.* (*Emphasis Added*).

For at least the reasons set forth above, Applicants submit that Logan and Perrone, viewed either alone or in combination, fail teach *at least* the feature of initiating an outbound communication to a voice service subscriber to commence a voice service session. To further

expedite prosecution, however, independent claims 1 and 11 have been amended to clarify additional points of novelty over Logan and Perrone.

In particular, claims 1 and 11 have been amended to include the feature of initiating an outbound communication to a voice service subscriber (to commence a voice service session) based on the occurrence of a predetermined event (*e.g.*, a scheduled condition, a triggering event, or another event) specified by the subscriber during a subscription process. Neither Logan nor Perrone appear to disclose such a feature.

For at least the reasons set forth above, Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all of the limitations of independent claims 1 and 11. Accordingly, Applicants further submit that dependent claims 2-10 and 12-20 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

CONCLUSION

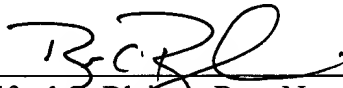
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC

By:



Bradford C. Blaise - Reg. No. 47,429
for: James G. Gatto - Reg. No. 32,694

Date: **August 11, 2003**

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC
12010 Sunset Hills Road
Suite 900
Reston, Virginia 20190
(703) 464-4800 (Telephone)
(703) 464-4895 (Facsimile)

RES 98844v1